IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27728 of 2007(A)

OS.828/2007 of III ADDL.M.C.EKM (RENT CONTROL)
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PETITIONER:

VASANTHA LAKSHMI, W/O.KRISHNA KUMAR,
AGED 43 YEAR, SHIVASAYI, KULATHINGALPARAMBU,
KULATHINGAL BAVA ROAD, KUTHAPADI, POONITHURA
VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS:
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1. GEORGE, S/O.AUGUSTIN, AGED 51 YEARS,
SELF EMPLOYED, 32/2935, ELANJIKAL HOUSE,
KUTHAPADI, POONITHURA VILLAGE, KANAYANNUR TALUK.

2. THE CORPORATION OF KOCHI, ERNAKULAM,
KOCHI-11, REPRESENTED BY ITS SECRETARY.

R2 BY S.C. SRI. S. RAMESH BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 27728 OF 2007

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Dated this the 18th day of September, 2007.

J U D G M E N T

This writ petition is filed seeking to declare that Ext.P4 order of the learned Munsiff, Ernakulam will not prejudice the right of the petitioner to proceed with the constructions in accordance with the approved plan and licence issued by the 2nd respondent. A perusal of Ext.P4 order would show that the injunction is from making any construction as described in the plaint B schedule property till 19.7.07. I am informed that the said injunction application was finally disposed of by the learned Munsiff on 24.8.07 whereby he had confirmed Ext.P4 order. Now, this Court sitting in the writ jurisdiction cannot vary the order passed and confirmed by the Munsiff in Ext.P4. The proper remedy for the party is to file an appeal against the order of the learned Munsiff under Order 43 of the CPC. I am informed that the copy is not yet given. Therefore, in order to enable the writ petitioner to move for his proper relief the Court below is directed to issue

emergent copy out of order within a period of one week from today. The writ petitioner is at liberty to move the appropriate authority for further reliefs in the case.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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